#### LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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#### for September 3, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #1423G

HiMark Estates CUP

**PROPOSAL:** This is a request to amend Special Permit 1423F to add 20 single-

family units in the southern portion of Outlot "A," for a total of 559

dwelling units.

**LOCATION:** South 90<sup>th</sup> Street and Medinah Drive.

**WAIVER REQUEST:** Intersection separation reduced from 120' to 110'.

Less than minimum lot area for Outlot "O". Less than minimum cul-de-sac radius.

Eliminate sidewalks from south side of Sandhills Court.

**LAND AREA:** 11.2 acres, more or less (actual area of amendment)

26.5 acres, more or less (Outlot A)

401.7 acres, more or less (HiMark CUP)

**CONCLUSION:** The addition of these units is consistent with the currently

approved Community Unit Plan.

RECOMMENDATION: Conditional Approval

Intersection separation reduced from 120' to 110'.

Denial

Less than minimum lot area for Outlot "O".

Denial

Less than minimum cul-de-sac radius.

Approval

Eliminate sidewalks from south side of Sandhills Court.

**Approval** 

#### **GENERAL INFORMATION:**

#### **LEGAL DESCRIPTION:**

All of the Lots, Blocks, and Outlots in the following subdivisions: HiMark Estates Addition, HiMark Estates 1<sup>st</sup> Addition, HiMark Estates 2<sup>nd</sup> Addition, HiMark Estates 3<sup>rd</sup> Addition, HiMark Estates 5<sup>th</sup> Addition Corrected, HiMark Estates 6<sup>th</sup> Addition, HiMark Estates 7<sup>th</sup> Addition, and Iron Gates Estates, all located in Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

The specific Lot to be amended is legally described as:

Outlot A, HiMark Estates 3<sup>rd</sup> Addition, located in the NW 1/4 of Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** R-3 Residential.

**EXISTING LAND USE:** Residential lots, private roadways, golf course and clubhouse,

parking lot, and open space.

#### SURROUNDING LAND USE AND ZONING:

North: AG Agriculture HiMark Golf Course

South: R-3 Residential Single-family residential

East: AG Agriculture Single-family acreage and HiMark golf course West: R-3 Residential Single-family residential and HiMark golf course

#### **HISTORY:**

Feb 2003 Special Permit #1423F approved the identification of certain townhouse lots

with zero setbacks on all lot lines. The total number of approved dwelling units

was still 539.

Apr 2002 Special Permit #1423E approved. This amendment provided for setback

adjustment to Lot 3, HiMark Estates 7<sup>th</sup> Addition, and approved 539 dwelling

units.

Aug 2001 Special Permit #1423C approved an increase in multiple-family dwelling units

from 240 to 272. However, this permit was voided because the owner did not

sign the Letter of Acceptance.

Jan 2001 Special Permit #1423D withdrawn.

Nov 2000 Special Permit #1423D submitted. This was a request to rename a private

roadway and install gates at its entrance. Based upon a prior grant of public access over the private roadway, the Applicant could not use the gates to

exclude the public.

Nov 1999 Special Permit #1423C submitted.

Aug 1999 Administrative Final Plat #99025 approved. This renamed Lots 7-48, Block 2

HiMark Estates to Lots 1-24, and 26-39, Block 1 and Outlot A, HiMark Estates

2<sup>nd</sup> Addition.

Aug 1999	Administrative Amendment #99054 to Special permit #1423A approved to add restrooms and an irrigation pump house to HiMark Golf Course.
Jul 1998	Change of Zone #3125 approved to change the zoning for the area covering this application from AG Agricultural to R-3 Residential.
Jul 1998	Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included 507 dwelling units and golf course.
Apr 1998	Special Permit #1423A withdrawn.
Mar 1996	Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.
Aug 1993	Administrative Amendment #93055 to Special Permit #1423 approved to increase the number of parking stalls.
Mar 1993	Administrative Amendment #92075 to Special Permit #1423 approved to rearrange portions of the parking lot and provide signage.
Apr 1992	Special Permit #1423 approved for a golf course.
Mar 1979	The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies both Additions as Urban Residential.

**Urban Residential:** Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

**UTILITIES**: Public

#### **TRAFFIC ANALYSIS:**

The Comprehensive Plan identifies Old Cheney Road as a Rural Major Collector (County) at the present time, and a Minor Arterial in the future. (E49, F103)

**Collector Streets:** These streets serve as a link between local streets and the arterial system. Collectors provide both access and traffic circulation within residential, commercial, and industrial areas. Moderate to low traffic volumes are characteristic of these streets. (F 105)

**Minor Arterials:** This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller

areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

#### **ENVIRONMENTAL CONCERNS:**

The pond shown on the plan was not intended to function for detention purposes, and the outlet pipe is only designed for the ten-year storm. Thus, any storm greater than the ten-year will fill the pond and eventually overtop South 90<sup>th</sup> Street. Minimum opening information and 100-year storm elevation should be provided.

#### ANALYSIS:

- 1. This is a request to amend Special Permit 1423F to add 20 single-family units in the southern portion of Outlot "A," for a total of 559 dwelling units. These lots must be platted prior to receiving building permits. This amendment only affects approximately the southern 1/3 of Outlot "A."
- 2. The total allowable density of this CUP is 1,418 dwelling units. At this point, the number of approved dwelling units is 539. Since this application includes an increase in the number of approved dwelling units, as well as waivers, the City Council will have final action.
- 3. The Public Works & Utilities Department does not support waiving the Design Standard that requires 120' separation between street intersections. The required 120' separation could be met with minimal adjustments to lot and street layout.
- 4. The request for less than minimum lot area for Outlot "O" is not supported by the Planning Department. Applicant states Outlot "O" will be used for green space/landscaping. Adding this area to Lot 14 would create a corner lot, which would be similar in size to the lot across Medinah Drive.
- 5. The request for a less than minimum cul-de-sac radius of 35' is supported by the Public Works & Utilities Department.
- 6. The request to locate sidewalks along only the north side of Sandhills Court is supported by the Public Works & Utilities Department as there are no lots taking access off of the south side.
- 7. Applicant should provide minimum opening elevations for Lots 1-19, Block 3 as they back onto the pond area. The 100-year storm elevation should also be provided.
- 8. The Building and Safety Department Fire Prevention Division has denied this application for lack of fire hydrants. However, additional fire hydrants can be added.

- 9. Lincoln Electric System easements are required.
- 10. The Parks and Recreation Department requires changing the street tree species along Sandhills Court.
- 11. Comments are attached from the Public Works & Utilities, Parks and Recreation, and Building and Safety Departments.

The Planning Department recommends the conditional approval of this application based on the following conditions.

#### **CONDITIONS:**

#### Site Specific:

- 1. After the applicant completes the following instructions and submits 1 original and 4 copies of the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise Note 13 on the site plan to show 559 total units.
  - 1.2 Revise the note on Lot 22, Block 4 to show 1423E rather than 1423C.
  - 1.3 Revise the grading and drainage plan with minimum opening elevations for Lots 1-19, Block 3, above the 100-year storm elevation.
  - 1.4 Eliminate Outlot "O" and revise Note 19 on the site plan accordingly.
  - 1.5 Revise the landscape plan to verify there are 33 Patmore Ash shown along old Cheney Road as indicated in the Street Tree and Landscape Schedule.
  - 1.6 Revise the landscape plan by replacing Greenspire Linden with Chanticleer Pear as the street tree for Sandhills Court.
  - 1.7 Provide a utility plan showing the location of fire hydrants in Sandhills Court, as requested by the Building and Safety Department.
  - 1.8 Revise the alignment of Sandhills Court to provide 120' of separation from Old Cheney Road.

- 1.9 Show the required LES easements. The easements may be viewed at the Planning Department.
- 1.10 Add a sidewalk connection from the east end of Sandhills Court to Old Cheney Road.
- 2. This approval permits 559 dwelling units, a 35' cul-de-sac radius in Sandhills Court, and no sidewalks along the south side of Sandhills Court.

#### General:

- 3. Before receiving building permits:
  - 3.1 Permitee must submit 1 original and 5 copies of the plans as approved.
  - 3.2 Final Plats must be approved by the City.
  - 3.3 The construction plans shall comply with the approved plans.

#### STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski Planner

**Date:** August 22, 2003

**Applicant:** Dan Muhleisen

D & M Development, L.L.C. 6321 Doecreek Circle Lincoln, NE 68516

432.1200

Owner: HiMark Development, Inc. and D & M Development, L.L.C.

6321 Doecreek Circle Lincoln, NE 68516

432.1200

Contact: Olsson Associates

Mark Palmer

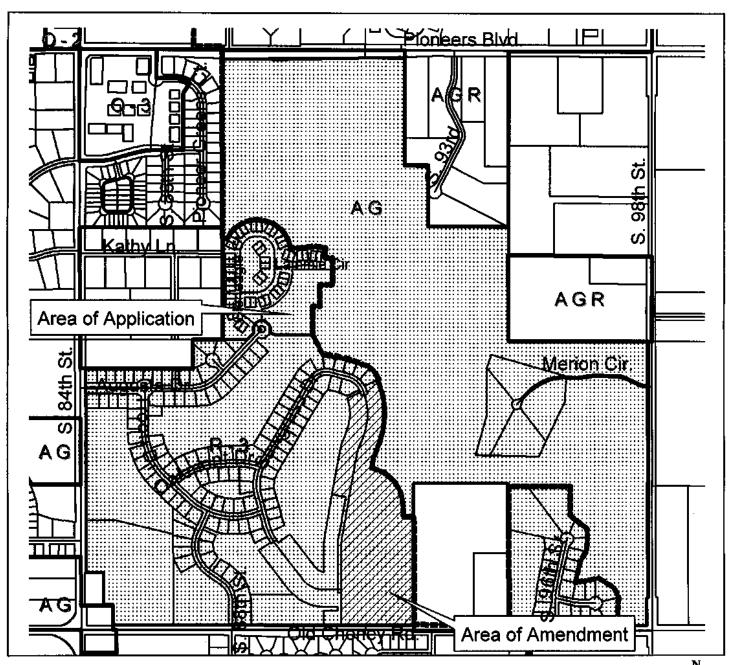
1111 Lincoln Mall Lincoln, NE 68508

458.5632



Special Permit #1423G S. 84th & Old Cheney Rd. HiMark Estates CUP





Special Permit #1423G S. 84th & Old Cheney Rd. HiMark Estates CUP

Zoning:

One Square Mile Sec. 11 T9N R7E

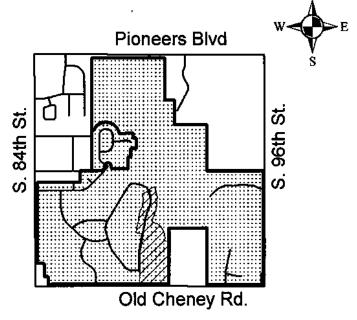
R-1 to R-8Residential District Agricultural District AGR Agricultural Residential District R-C Residential Convervation District 0-1 Office District 0-2 Suburban Office District 0-3 Office Park District Residential Transition District R-T **Local Business District** Planned Neighborhood Business District Commercial District Lincoln Center Business District Planned Regional Business District Interstate Commercial District Highway Business District Highway Commercial District General Commercial District Industrial District 1-1

Industrial Park District

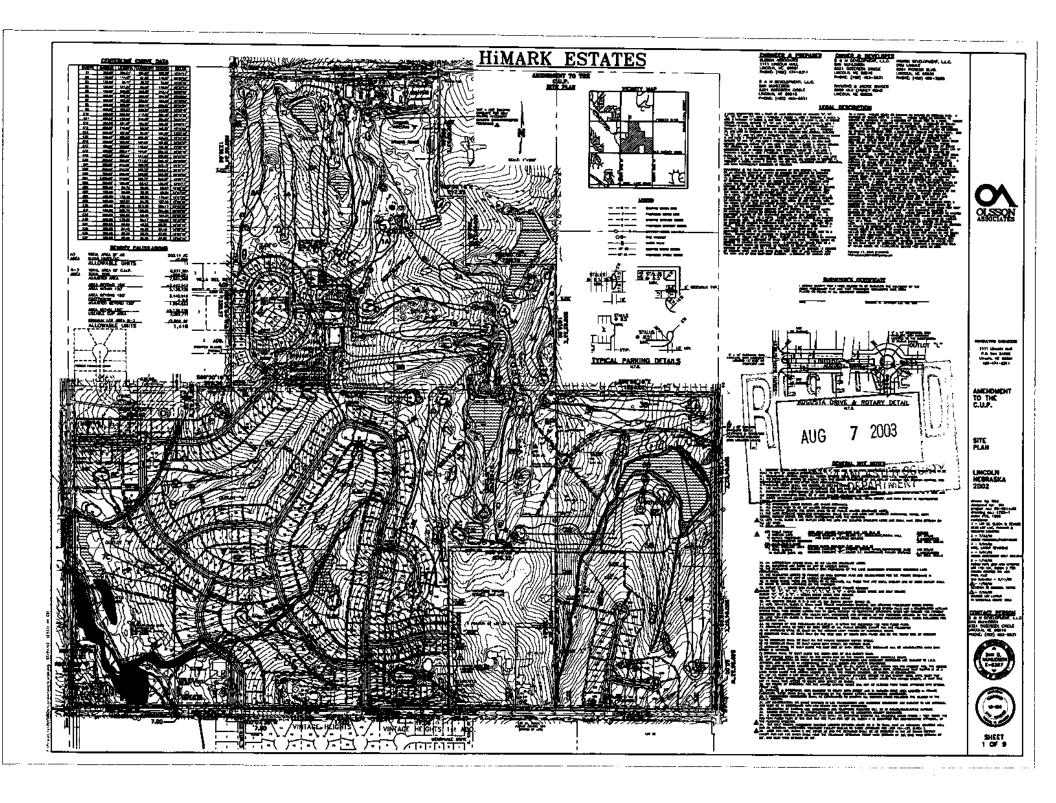
Employment Center District Public Use District

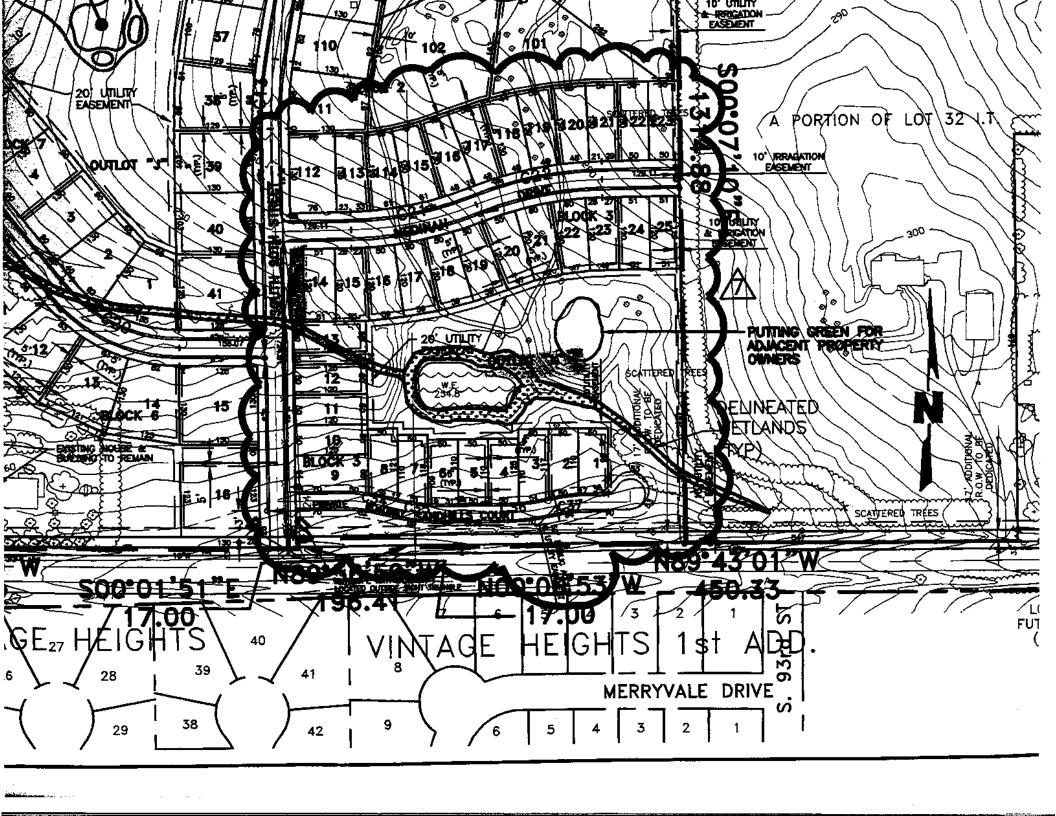
Zoning Jurisdiction Lines

City Limit Jurisdiction



1-2

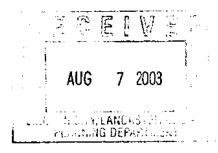






August 7, 2003

Mr. Marvin S. Krout, Director Lincoln Lancaster Planning Department County-City Building 555 South 10th Street, Suite 213 Lincoln, NE 68508



Re:

HiMark Estates

Amendment to the Community Unit Plan #1423

OA Project No. 2003-0536

Dear Mr. Krout,

We are requesting an "Amendment to the Community Unit Plan" to add 20 Single Family units in the area east of 90<sup>th</sup> Street, north of Old Cheney Road. The proposed lots will be a "Patio Home" development. The builder will be Manzitto Custom Homes.

We have met with Ray Hill and Greg Czaplewski regarding this amendment. At the meeting, Ray Hill asked if the lots north of Medinah Drive could be changed to the smaller Patio Home lot size to maintain consistency on both sides of the roadway. One of the lots on the north side had been pre-sold to a builder. We have been successful relocating that builder to another lot, and have therefore included the north side of Medinah Drive as "Patio Home" sized lots.

The Private roadway (Sandhills Court) is 110' from the centerline of Old Cheney Road. We are requesting a waiver to design standards from the required 120' intersection separation. The private roadway serves 8 lots and will function more as a driveway rather than a roadway. The driveway design standards would allow a driveway 55' from the back of curd in Old Cheney Road.

We are also requesting a waiver to design standards for lot size. Outlot "O" does not meet the required lot area requirements. This Outlot is designated green space / landscaping area.

The Cul-de-sac size is not to design standards (35' radius). A waiver to design standards for cul-de-sac geometry has previously been approved for this C.U.P. We are requesting sidewalks be located only on the north side of Sandhills Court. This is consistent with the previously approved waivers for sidewalks.

Color renderings of the proposed buildings were submitted to Ray and Greg at our meeting. We can provide more copies if required.

Enclosed, please find the following documents:

- 1. Revised Site Plan, Sheet 1; 21 copies
- 2. Revised Grading & Drainage Plan, Sheet 2; 9 copies
- 3. Revised Profile Sheet, Sheet 5; 9 copies
- 4. Revised Landscape Plan, Sheet 8; 9 copies
- 5. City of Lincoln Zoning Application; "Community Unit Plan; Amendment"
- 6. Filing fee for "Community Unit Plan"; \$595.00
- 7. 8 ½" x 11" Reduced Drawings of the Site Plan
- 8. Ownership Certificate

We look forward to working with you and your staff to develop a solution. Please contact either myself, or Dan Muhleisen if you have any questions or require any additional material.

Sincerely,

Mark C. Palmer P.E.

cc: Dan Muhleisen, P.E. (D & M Development)

Manzitto Brothers Custom Homes

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## Memorandum

To: Greg Czaplewski, Planning Department

From: Chad Blahak, Public Works and Utilities

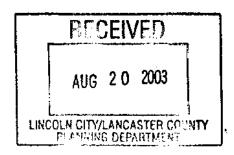
Subject: Hi Mark Estates Special Permit #1423F

**Date:** August 18, 2003

cc: Randy Hoskins

Engineering Services has reviewed the submitted amendment to the Hi Mark Estates special permit, located at the northeast corner of South 84th and Old Cheney Road and has the following comments:

- The requested waiver of design standards to allow side walks on the north side of Sand Hills
  Court only is acceptable to Public Works as there are no units taking access to the south
  side.
- The requested waiver of design standards to allow a 35' radius turnaround is acceptable to Public Works.
- The requested waiver of design standards for intersection separation of 110' instead of the minimum required 120' is not acceptable to Public Works. It appears that the required 120' could be met with minimal adjustments to the lot and street layout.
- Minimum openings need to be provided for Lots 1-19 in Block 3 as they back onto the proposed pond. Although the pond was not intended to function for detention purposes, the outlet pipe is only designed for the ten year storm. Thus, any storm greater than the ten year will fill pond area and eventually overtop South 90th Street. The depth of flow over the curb should be taken into consideration when determining minimum opening elevations. The 100 year storm elevation should also be provided.



Date Printed: Monday, August 11, 2003

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Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A seperate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

# Plan Review Comments

Permit # DRF03086

Address

Job Description: Development Review - Fire

Location: H. MARK ESTATES

Special Permit: Y 1423

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By GREG CZAPLEWSKI

Status of Review: Denied 08/11/2003 10:59:38 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE BOB FIEDLER

Comments: do we have existing fire hydrants on sandhills court?

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

2000 International Building Code and Local Amendments

2000 International Residential Code and Local Amendments

1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)

1989 Fair Housing Act As Amended Effictive March 12, 1989

1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards

1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)

1999 National Electrical Code and Local Amendments

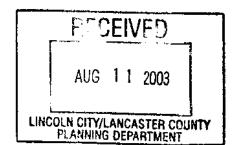
1997 Uniform Mechanical Code and Local Amendments

1994 Lincoln Gas Code

1994 NFPA 101 Life Safety Code

2000 Uniform Fire Code and Local Amendments

Applicable NFPA National Fire Code Standards





# Memo

To: Greg Czaplewski, Planning Department

From: Mark Canney, Parks & Recreation

Date: August 13, 2003

Re: HiMark Estates SP1423 F

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

 Following change to Landscape Plan dated 02.10.98, Arborist Steve Schwab is Requesting the change in street tree from Greenspire Linden to Chanticleer Pear for Sandhills Court.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

